

VOL. X.

BISBEE, ARIZONA, SATURDAY MORNING, OCTOBER 12, 1907.

NO. 244.

NEW MEXICO CASES IN COURT

Government Pushes Land
Fraud Suits Against Penn-
sylvania Company

10,000 ACRES AT STAKE

Federal Attorney Demands
That Deeds to the Big Tract
Be Revoked

SANTA FE ROAD INVOLVED

Alleged That Accused Deliber-
ately Sought to Get Around
Plain Ruling Made

SANTA FE, N. M., Oct. 11.—As the startling new evidence unearthed by special land agents of the Department of Justice, suit has been filed in the Second Judicial District Court of Albuquerque by the United States against the Pennsylvania Development company, the New Mexico Fuel and Iron company, and W. S. Hopewell, as territorial agent of the corporations, to cancel the deeds to nearly 10,000 acres of valuable timber land in Valencia county, secured by the defendants in 1901.

Ormsby McHarg and E. Peyton Gordon, special assistants to the Attorney General of the United States, appear for the plaintiff.

It is alleged by the government that the lands in question were secured by the defendants from the board of public lands of the Territory by fraudulent means, and that the territorial officials and the defendants were both aware that the transaction was made in violation of the provisions of the act of Congress granting public lands to the Territory, and providing for the sale of such public lands for the benefit of territorial institutions.

It is asked that the defendants be enjoined from further cutting timber off the lands, and that they be compelled to reimburse the Territory for the value of timber already taken from the tract.

Judge Ira A. Abbott has issued an order, directing the defendants to appear in court, and show cause why an injunction should not issue restraining them from longer laying claim to the premises or cutting timber off the land.

It is alleged that W. S. Hopewell as agent of William H. Andrews, president of the Santa Fe Central railway company, and the two companies, negotiated the purchase of the lands for the defendants. Knowing that only a quarter section of the lands could be sold to one person, the defendants entered into a conspiracy with the territorial board of public lands for the purchase of 10,000 acres of valuable timber lands in Valencia county. The public land board at that time consisted of Gov. Otero, Solicitor General Barlett and Commissioner of Public Lands Keen. Three dollars an acre was offered for the lands.

The application was made by William H. Andrews by his agent, W. S. Hopewell. It is alleged that while this application purported to be for the lands, it was made in the late part of the Pennsylvania Development company. A meeting of the land board was held to consider the application, and the applicant was notified that the land could only be sold in tracts of 160 acres.

However, this did not deter the applicants, for it is alleged that they then entered into a deliberate scheme to defraud and to evade the provisions of the law by going among the stockholders of the Pennsylvania Development company and the Santa Fe Central railway company, and the friends, relatives and families of the officers of the company, and persuade forty-nine persons to sign applications for 160 acres each, and that these applicants were then asked to deed over the land to the corporation, which they did. It is alleged that the commissioner and the board had full knowledge when the applications were made that the individual applicants would turn over the land to the Pennsylvania Development company, and that the board was aware that the scheme was fraudulent and planned to avoid the provisions of the law.

The government declares that money and promises were paid over for the lands, not by the individual applicants, but by the Pennsylvania Development company and W. S. Hopewell as manager.

No contract in writing was executed and no record for the sale of the lands to the defendants was ever made on the books of the land board.

All payments on the contrary were credited to the forty-nine applicants, none of whom paid any money. The government further claims that the defendants knew when they were paying \$5 an acre that the land in question was covered with valuable matured pine forests, worth as much as \$100,000 and upward.

The plaintiff asks that the deeds to the development company and also to the forty-nine applicants be canceled, and that the defendant be made to give

COSTELLO MUST WAIT FOR DECREE

Motion for Judgment Against
Copper Belle Company Denied
Because Supreme Court
Now Has Jurisdiction

(Special to Review)
TOMBSTONE, Oct. 11.—In the case of Martin Costello vs. the Copper Belle Mining Company, which came up yesterday on a motion for the part of the plaintiff for judgment, the motion was denied by Judge Doan on the ground that since an appeal had been taken by the defendant from a former ruling in foreclosure proceedings, the jurisdiction now rests with the Supreme Court of the Territory.

This case is one which has aroused considerable interest among mining men of this section because of the prominence of the parties to the suit, the amount involved and the importance of the property as a producing mine.

In yesterday's proceedings, Attorneys Goodrich and Reilly appeared for the plaintiff, while the defense was represented by Francis J. Hartman, of Tucson. Plaintiff moved for judgment on the ground of a former ruling, the defense interposing an objection to an oral motion. The court instructed attorneys for the plaintiff to prepare written motion which was done. Hartman then demurred, basing his contention on the same grounds upon which he had steadfastly fought the case, namely the invalidity of the mortgage now held by Costello and upon which the suit is based.

The Copper Belle Mining Company's property is situated in the Turquoise district and at present is being worked under a lease and option by the Shannon Copper Company, which concern pays a royalty on the ores mined.

Costello made a loan of \$15,000 to the mining company in 1902 and sometime ago instituted foreclosure proceedings for the purpose of realizing on his outlay. The Shannon Company has come to the rescue of the erstwhile bankrupt company and has furnished bonds to aid them in fighting the Costello suit. The fight for the possession of the property is being bitterly waged, the outcome of which is of great interest to those who are looking for a development of the Copper Belle to make good for the Turquoise district.

Should the company win in the case, pending, a deed now in escrow will give to the Shannon Company the title to the property but will not pass until 1911. This deed is now in escrow with a New York trust company.

Costello's judgment, the appeal from which was taken by the company, was secured in January last, and the amount decreed to be paid him was \$20,728.82 with costs and attorney fees, the total amounting to \$21,560.99.

The motion in yesterday's hearing is based on a second cause of action, a mortgage by Costello from the mining company for \$25,000.

CHICAGO 6, DETROIT 1 Nationals Have Little Trouble Putting Third Game Away in Detroit.

DETROIT, Mich., Oct. 11.—In the first game of the world's championship series on its own grounds, the Detroit American League team was beaten this afternoon by the Chicago Nationals by a score of 6 to 1. It was a well deserved victory for Chicago, as it played superior ball throughout the game. There were several errors of omission on the part of the Detroit team, besides the error of commission which figured in Chicago's run making.

Donovan gave but two bases on balls, the same number which O'Leary did, but both of the Detroit pitchers' passes developed into runs, the result of O'Leary's safe and expensive. Captain Chance of the Chicago team, was hit on the right hand by an inshoot while he was at the bat in the opening inning and both the second and third fingers were badly crushed. The game was stopped when they were downed. Chance said tonight that he feared the injury might prevent his playing tomorrow.

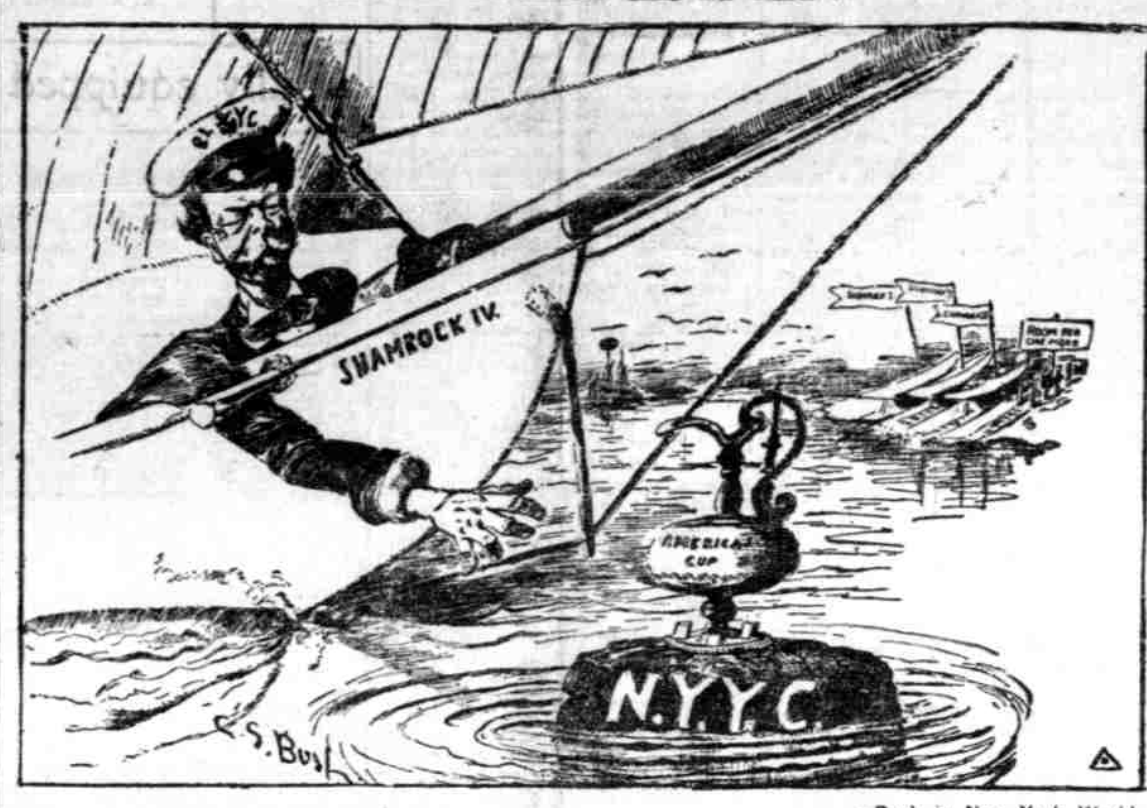
An accounting of all timbers cut, and be made to pay all the profits and benefits accruing from the lands.

This suit is the second to be filed within a few weeks, the first being against the American Lumber company, the Rio Grande Lumber Company and Clark M. Carr, and involving 50,000 acres of valuable timber lands, alleged to have been acquired in a like manner, and which the government seeks to cancel the deeds on the grounds of fraud and conspiracy.

The filing of this second suit strengthens the belief that at the recent conferences had in Washington between the President, Attorney General Bonaparte and E. Peyton Gordon, assistant to the attorney general, that instructions were given to continue with renewed vigor the land fraud investigation, which was begun in New Mexico early in the spring.

More sensational developments are expected soon, as it is rumored that complaints will be filed charging certain men of prominence with perjury in connection with the frauds alleged to have been committed. Agents are now collecting evidence with this end in view. It is believed, which will spin such a web around certain corporation heads that they will not be able to throw off connections with the alleged frauds.

WANTS THAT CUP.



—Bush in New York World.

SALTED MINE HAS \$1,250,000 FINE MAY BE FOR SANTA FE NEXT THING PROBED

Greatest Sensation in North-
western Mining History Re-
vealed at Landers, Wyo.,
When Examination Is Made

HELENA, Mont., Oct. 11.—The Record today published a story to the effect that numerous Montana and Washington investors have been misled by the extent of more than a third of a million dollars, through the discovery that a placer mine, near Landers, Wyoming had been salted and that the property in question is worthless.

Thomas L. Greenough of Missoula, and J. P. Greenough of Spokane, prime movers in the organization notified investors that they will redeem all stock at the price paid, assuming the loss. The discovery that the property was salted was due to independent examination conducted by Speaker W. W. King of the Montana legislature and J. R. Neill of Spokane, heavy prospective investors who conducted independent inspections and found that after removing a few inches of the ground was valueless, as were the tailings, although all previous examinations showed values ranging from 20 cents to \$3 a yard. A Chicago firm was so impressed with the figure that it offered the Greenoughs \$2,500,000 for an interest in the mine, although all previous available work had been started from either end of a tunnel through the mountain, so the flow of the phosphate river might be utilized. The discovery has created the biggest sensation in the history of northwest mining.

OPERATOR IS ARRESTED

Officers Manage to Catch One Rail-
road Sympathizer With Strikers.

ST. JOSEPH, Mo., Oct. 11.—Joseph Bowers, a Burlington telegraph operator at Waldron, Mo., has been arrested by United States authorities, charged with interfering with commercial messages and train dispatching. Officers expect to make further arrests. The operator sought to harass the Western Union and the Associated Press operators who took the strikers' places some time ago.

EMPEROR MAY DIE

Condition of Austrian Ruler This
Morning Is Very Grave.

VIENNA, Oct. 11.—(Midnight)—This night is a critical one for Emperor Francis Joseph, the aged ruler of Austria-Hungary. His majesty's physicians are visibly becoming more anxious. The fever, which has lasted ten days, seems to have exhausted the wonderfully trained system of the monarch and symptoms of inflammation of the lungs are growing.

SONOMA GIRL WINS

LEXINGTON, Oct. 11.—Sonoma Girl favorite, today won the famous Transylvania stakes and clinched the championship for aged trotters for 1907. Sonoma Girl had little trouble in defeating the field and at no time was the result in doubt.

SILVER MARKET

NEW YORK, Oct. 11.—Silver, 62 1/4 cents; Mexican dollars 49 1/4 cents.

SIXTEEN MUST DIE

Kingston Jamaica, Oct. 11.—Mail advices from Hayti state that sixteen men were sentenced to death there for conspiracy to overthrow the government of the republic. The country is reported quiet, but many persons fear a revolution soon.

Jury Says Railroad Is Guilty of
Rebating on All of the Sixty-
six Counts of the Indict-
ment

LOS ANGELES, Oct. 11.—After being out 29 minutes, the jury in the case of the government against the Santa Fe railroad company, on trial for rebating in the United States court here this afternoon brought in a verdict of guilty against the railroad on all of the sixty-six counts of the indictment. Judge Wellborn before whom the case was tried, will announce his decision next Monday.

It is estimated that the maximum fine which can be imposed is \$1,250,000. The charge against the Santa Fe was that it granted rebates from the regular tariff on shipments of lime by the Grand Canyon Lime & Cement company of Arizona. The defense of the railroad company was that the rebates were "concessions" made for alleged loss of shipments during transit.

The trial began September 30. In giving a decision on law points the jury held that the defendant of a less sum of money than that made in its tariff for the transportation of the property described in the indictment, if there has been such acceptance, was a departure from the legal rate, and that it had no justification for such departure; nor is it any defense to prosecution thereof, that the acts of the carrier were done in compromise of claims for loss of property in transit.

It is probable the railroad company will appeal from the decision when it is announced.

INJURED MEN ALL RECOVERING

All Out of Hospital But McDaniel; Funeral of Garcia, Man
Killed, Held

Three of the four men who were reported as inmates of the C. & A. hospital as the result of the accident Thursday in the grading camp at Lowell are now out, and the fourth, McDaniel, the foreman, is considered out of danger and his chances for recovery are first class, although he has several ugly wounds in his back.

The name of the man who was killed has been ascertained to be Jose Maria Garcia. He was buried at 4 o'clock yesterday from the Palace undertaking parlors. His home was formerly in Cananea and it is reported that he has relatives there. Forty or fifty Mexicans called at the undertaking rooms during the day to view the remains.

RECEIVER FOR RAILROAD

NEWARK, N. J., Oct. 11.—Jeome D. Goodley was appointed receiver of the Council City & Solomon River railroad, in Alaska, by Vice Chancellor Howard today. The railroad company is a New Jersey corporation.

SULTAN IS WINNING

WASHINGTON, Oct. 11.—Private authentic reports received from Morocco, indicate the early collapse of the rebellion against the Sultan headed by his brother, the pretender.

Captain in Regular Army,
Court Martialed, Threatens
to Uncover Some Bad Cases
of Official Self Seeking

LEAVENWORTH, Kan., Oct. 11.—George W. Kirkman, formerly a captain of infantry in the regular army, was discharged from the United States penitentiary at Fort Leavenworth and immediately announced a program which includes the indictment of Judge Advocate General George B. Davis, head of the legal department of the army, for drawing a salary contrary to law, and the exposure of gigantic graft in the same department.

On leaving prison Kirkman was dressed in the same suit of clothes he wore when he was incarcerated, June 22, 1905. He proudly wore his West Point class ring on his finger and displayed the button of the Volunteer Prison League on his coat lapel.

"Heretofore I have been a soldier in the army of the commonwealth," said Kirkman in talking of his plans, "but now I propose to be a soldier in the commonwealth's army."

He is going to expose the slander bureau of the War Department, whose secretary is warring on women and children, as witness the Tucker and Ayers incidents of late.

"Judge Advocate General Davis is at present holding his office contrary to and in violation of law. He formulated the charge against me and placed them under the sixty-first article of war and then duplicated them under the sixty-second. Officers and soldiers were ordered to support the charges against me.

"I shall endeavor to have General Davis indicted. A gigantic graft is being worked in the War Department. Every general staff officer decides that every general staff officer is entitled to every cent he can draw from the United States treasury.

"With particular attention to the year 1900 I propose to give full details regarding involving men in the highest positions in civil, military and naval life and uncover great corruption. I am going to get into communication with H. H. Tucker and former Senator Burton.

"The statements that I deserted and eloped are a fake. In regard to my habeas corpus suits I am going to sue for a writ of mandamus in the United States Supreme Court to force the federal court to render a decision."

Kirkman was once with the battalion that got into trouble in Brownsville, Texas, and is very bitter against the men who used to be his brother officers.

ROOSEVELT AFTER WILD CATS

STANBOL, La., Oct. 11.—A Night frost covered the ground when the president began his first wild cat hunt. The cat hunt is conducted in a different section, arranged on the theory that the bears have been driven out by hounds. It is believed that if the dogs are called off for a while the game will return.

SOLDIER'S WIDOW ILL

HELENA, Mont., Oct. 11.—Mrs. Ambrose Hooker, the aged widow of General Hooker, lies gravely ill at St. Peter's hospital, this city, where she was removed a week ago suffering from a complication of maladies resultant from old age. Mrs. Hooker came to Helena fifteen years ago and attended to some litigation in which her husband had been involved at Fort Assiniboine. It is said she fell in the salt and was compelled to make her own living with the diminished remnants of the fortune.

MRS. GIBBS USES HER HORSE WHIP

Strikes Overlock Twice, After
Train Leaves With Her Hus-
band and Dues for Tomb-
stone Jail Yesterday

Unable to secure the bonds required by the court for their appearance for preliminary hearing Harry Dues and James A. Gibbs yesterday morning waived preliminary examination and were taken to Tombstone on the afternoon train to await the action of the next grand jury on charges of embezzlement. They were accompanied by their attorneys.

On Thursday evening after he was placed under arrest and waived the preliminary examination, Gibbs applied for bail. The bond was fixed in the sum of \$5000, and the defendant at once left for Douglas on the evening train in the custody of Deputy Sheriff Bill White to endeavor to secure the necessary sureties. He returned to the city yesterday morning in an automobile, accompanied by White, having been unable to negotiate the necessary bond.

Dues was also unable to secure the bond of \$5000, required for his appearance at the preliminary hearing, and on the advice of their attorneys the two young men yesterday morning waived preliminary hearing electing to go to Tombstone and await the action of the next grand jury. They left the city on the afternoon train in custody of Constable Twomey, and were accompanied by Attorneys Morrison and Goodbody.

A sensational episode happened at the corner of Brewery and Railroad avenues, just as the train for the west drew out. Mrs. James A. Gibbs, wife of one of the prisoners was on the train to bid her husband goodbye and as the train disappeared she stepped into her buggy which was standing at the curb. L. J. Overlock, the former partner of the accused men, was standing on the corner, and as Mrs. Gibbs drove by she leaned over and struck him twice across the shoulders with her horse whip, which she drove on. The action was witnessed by a large number of bystanders.

Neither one of the defendants issued a statement before leaving the city but it was reported that some of their friends that when the cases against them came to trial more sensational incidents would come to light involving others.

BROTHER ARRESTED ON SAME CHARGE

Hearing of Nick Zifovich De-
velops Surprising Testimony
—Denies Keeping Money

Some very surprising testimony was brought out yesterday afternoon at the preliminary hearing, in Judge Hogan's court, of Nick Zifovich, who was charged with the embezzlement of \$200, which it was alleged he had secured by pawing over \$900 worth of jewels belonging to Mrs. Owens. On account of Assistant District Attorney Strickler having to leave for Tombstone the hearing was postponed until 4 p. m. Thursday.

The testimony of the defendant, who seemed to tell a pretty straight story, was to the effect that his brother, John Zifovich, brought the jewels to him and asked him to secure as much on them as he could from the pawn shop. This he claims to have done, and that he and his brother then went to Mrs. Owens and asked her how much she wanted of the money raised on the jewels. (\$200), and that she replied \$10. He further states that his brother John then left the balance in his possession and that he, John, came to him from time to time and got the money until it was all gone.

John Zifovich when placed on the stand, admitted that he and the plaintiff, Mrs. Owens had a close acquaintance with each other, and that she had made no objection when he took charge of the \$190, after the \$10 was given her, as alleged. He stated that he spent this money in paying his own and her bills and exhibited a memorandum which he claimed showed what had become of the money. He stated that not long ago the plaintiff, Mrs. Owens, had become angry at him.

At the conclusion of the evidence a charge was made out against John Zifovich charging him with the embezzlement of \$190. The man against whom this last charge is made is a grocery clerk, while his brother, practically held on the same charge and whose hearing has been postponed, is a bartender.

CASE CONTINUED.

SAN FRANCISCO, Oct. 11.—Judge Dunne today continued for one week the arraignment of R. Porter Ashe and Luther Brown, indicted for kidnapping President Older, managing editor of the Bulletin.

DISCIPLES OF CHRIST MEET

NORFOLK, Va., Oct. 11.—The international missionary convention of Disciples of Christ opened here today with an attendance of several thousand from all sections of the United States and many from Canada. Today was devoted to the Christian Women's Board of Missions.

GIRL SUFFERS BUT SAVES BROTHER

Learns of Cure for Opium Hab-
it and Journeys to Malay
Peninsula

ENDURES HARSHIPS

Finally Secures the Precious
Antidote and Is Back in
Philadelphia

MADE FROM LEAF OF PLANT

Has Magical Effect on Opium
Slaves, Having Cured Thou-
sands of Natives

PHILADELPHIA, Pa., Oct. 11.—Determined to save her brother from the opium habit no matter what the cost, Miss Haviland, of this city, has just returned from a trip to the West Malay Peninsula, where she obtained a rare, having traveled thousands of miles endured privations of every sort and character, this heroine, while an ample supply of the remedy obtained from fresh plants in that far off land, is putting into effect the published accounts of the efficacy of the antidote.

Miss Haviland spent about a month in and around Selanor, capital of the West Malay Peninsula, and the horrors due to the opium habit seem like a nightmare to her. This was converted into a pleasant dream, however, when she noted the many cures made by the little, recently discovered plant.

Her brother has been a victim of the opium curse for several years. First taken as a soothing drug to relieve mental and physical distress, he had to increase the amount taken almost daily as the denaturing effects of the smaller doses were decreased. Slowly but surely he became enmeshed in the clutches of the distilled poppy, until his life was a burden to him.

Then he appealed to his sister. There was nothing she could do. She had engaged the best physicians in Philadelphia, but each had given up her brother. One day in a newspaper she read a story in a newspaper that an opium cure had been discovered.

From an article based on a report of Consul General D. F. Wilber, she learned that the Malays had really discovered a cure for this habit.

Frail of physique, but dauntless in determination, Miss Haviland determined to get this cure if possible. First, however, she would make a personal investigation. In June she left her home and journeyed across the continent to San Francisco, where she embarked on her long ocean voyage. "I talked with Consul General Wilber of the cure," said Miss Haviland, "and his testimony established my faith in the vine. The scientific name of this plant is Combreum sudanense, and not Tamabals, as some seemed to think."

"From Mr. Wilber and others I found that the way to prepare this vine for use was as follows: First, boil over a gentle charcoal fire in the proportion of three pounds of water to one ounce of the prepared drug for about four hours. Second, strain the preparation and leave it to cool, and it is ready for use. Third, fill two (brandy) bottles with the preparation; into bottle A put burnt opium to the quantity the patient used to consume in one day. The opium will dissolve at once with a milky color. Fourth, take two tablespoonfuls of the mixture from bottle A whenever the patient craves for opium, shake the bottle before use, and directly after each dose is taken fill the same quantity of the preparation from bottle B into bottle A. No opium is to be put into the medicine after the first bottle."

Continuing her story, Miss Haviland said: "Upon visiting the Chinese towkay, who introduced the medicine in Seremban with good effect, I learned that the leaf had been discovered in a forest by a young man who was an opium smoker. He had been told by a friend to take the leaf of a certain plant growing in the jungle and to boil it and drink the medicine. He did so and found that he could break off his opium habit. He told others about it, and when the Seremban towkay went to Jelut to collect his home rents he was told of the medicine. He ordered his mining coolies to collect the plant for him and then introduced it into Seremban."

The Chinese preachers and young men enthusiastically took up the matter and the medicine was prepared at the mission hall. The news spread and hundreds came every day, until the mission hall and street outside became blocked with people. Never shall I forget the touching spectacle of these men eagerly asking for help; children coming asking for the cure

(Continued on Page Eight)